



Your Child's Job

A Parent's Guide to Child Labor Laws

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Working Together to Keep
New Jersey Working

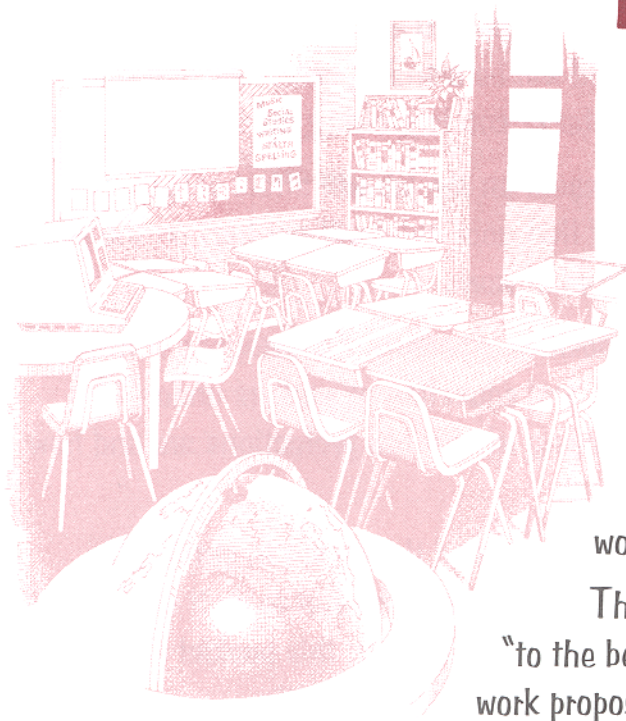
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When a teenager gets a job, parents may feel both pleased and concerned. On the one hand, you may be pleased to know your child will be learning new skills and self-confidence, and also earning money. Your daughter or son is growing up.

On the other hand, you may worry that the time spent on the job will affect schoolwork and result in low grades. You might be concerned that your child will get hurt on the job, since teens are more likely than adults to be injured at work.

What can you do to make your teenager's job a positive experience for everyone involved? Child labor laws are designed to protect the health and education of workers under 18 years of age. You can help your child best by knowing what those protections are and how they are enforced.

This booklet details the roles of the school, the employer and the parent in putting the New Jersey child labor laws to work for you. This booklet explains what to do if an unknowing or careless employer puts your child at risk. The information in this booklet can help you to be one of the more important resources in your child's working life.



The Role of the School

In New Jersey, the school district where your child resides is where your child can obtain working papers.

A designated school official issues working papers only after being satisfied that the working conditions and hours will not interfere with a student's education or damage a student's health. The official may refuse to issue working papers if such refusal would serve the best interest of the minor.

The high school principal signs a statement that "to the best of my knowledge the minor can do the work proposed without impairment of progress in school."

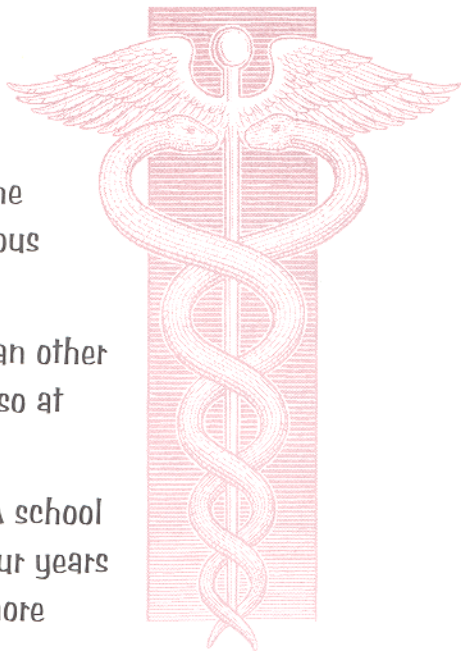
The Physical Exam

The school district is responsible for performing the physical examination without cost to either the minor or minor's parents.

Note: A minor is not required to obtain a physical if the parent or guardian objects (in writing) based on their religious beliefs and practices.

If you prefer that your child be examined by a physician other than the one employed by the school district, you may do so at your own expense.

Only one (1) physical is required for working papers. A school physical performed during freshman year is good for all four years of high school (unless the school district policy specifies more frequent physicals).



The Role of the Employer

The employer completes the Promise of Employment

A school district will not issue working papers until a minor has a Promise of Employment or an official Employment Certificate (working papers) form provided by the school.

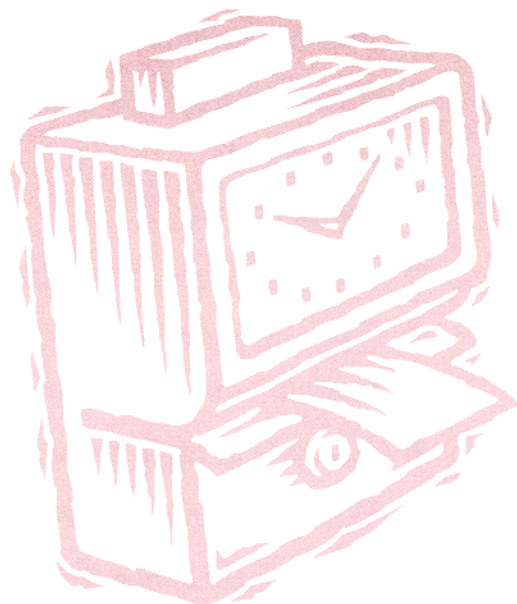
The prospective employer fills out and signs the Promise of Employment. On the working papers form, the employer:

- notes the trade name and address of the location where the minor will actually work
- specifically describes the minor's occupation or the nature of the minor's duties
- approximates the hours to be worked
- notes the rate of pay

The employer has the responsibility for complying with the New Jersey Child Labor Law. The employer is obliged to be aware of the law's provisions and to observe those that are applicable. An employer who violates the law risks substantial fines.

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Employers sometimes urge minors to “fudge” their time cards to show only permitted hours, implying that the minor would be guilty of a child labor violation if the true hours appeared on a time card. Such employers are violating child labor laws and other wage and hour laws.



Employers need to know about laws related to:

- Keeping records of hours worked and wages paid.
- Posters (Employers are required to display certain posters detailing wage and hour laws.)
- Minimum wage.
- Meal periods/rest periods.
- The number of days or hours minors are permitted to work when school is in session — or during the summer.
- How late at night minors are permitted to work.
- What occupations, machinery or processes are prohibited.

Several free publications provide this information (please see back cover).

A minor is entitled to minimum wage in the following industries:

- Retail/mercantile
- Beauty culture
- Laundry/cleaning/dying
- Light manufacturing/apparel
- First processing of farm products
- Hotel and motel
- Food service (restaurant)



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The Role of the Employer (continued)



Nursing homes, boardwalk and other seasonal amusements, summer camps, professional offices, and libraries are some of the workplaces where minimum wage is not required. **However**, work related to food service in any of those places requires payment of minimum wage.

Here's a tip!

Where tips are part of the pay, the sum of cash wages plus tips earned in a week, and meal credits (where meals are provided), divided by hours worked during that same week, must amount to at least the minimum wage rate.

Stop! Don't touch that slicer!

Employers who permit minors to work with or around deli slicers, forklifts or any of a long list of hazardous machinery or occupations violate child labor laws and risk the minor's health and safety.

A prudent and conscientious employer analyzes the tasks performed by minors to rule out prohibited machinery and processes. Child labor laws require that employers post an abstract, which lists prohibited occupations, on the premises where any minor is employed.

Construction is a prohibited occupation

Construction is defined as "the erection, alteration, repair, renovation, demolition or removal of any building or structure; the excavation, filling and grading of sites; the excavation, repair or paving of roads and highways and any function performed within 30 feet of these operations."

The Role of the Parent

The school plays a role in deciding whether your child can work, and the employer is responsible for complying with labor laws. **You** retain the rights and responsibilities of the parent: oversight, nurture, and protection. You are considered the final and best word in decisions involving your child's job.

Your child may need your help to produce a proof of age. If the school does not have a copy on file, you may be asked to provide a birth certificate, passport or baptismal certificate, or other documentation listed in the statutes.



Sign on the dotted line ...

The working papers form contains space for a parent's signature. (A parent's name and address are also required.) In addition, under certain circumstances, you may permit your child to work later than the time generally prescribed by, but within

the parameters of, the Child Labor Law. During the summer when school is not in session, the limit for 14 and 15 year olds is raised from 7:00 p.m. to 9:00 p.m. with written parental permission; 16 and 17 year olds under similar circumstances are permitted to work after 11 p.m. and in certain occupations after 12 midnight, providing school is not in session the following day. If you think your child is working excessive hours, you may check the full text of the New Jersey child labor law. You can get a copy by calling the phone numbers listed on the back of this booklet. Legal hours for minors are also specified on the back of the working papers form.

No minor under 18 may work more than 8 hours in a day, or 40 hours in a week. Even if minors are paid for the overtime, it's still against the law!

If you want to help your child keep track of hours and wages, hang a calendar in a convenient place for recording daily work times. Save pay slips and check the hours with the calendar.

Encourage your child to be aware of the legal protections available.



What if an employer asks your child to work excessive hours or participate in prohibited activities?

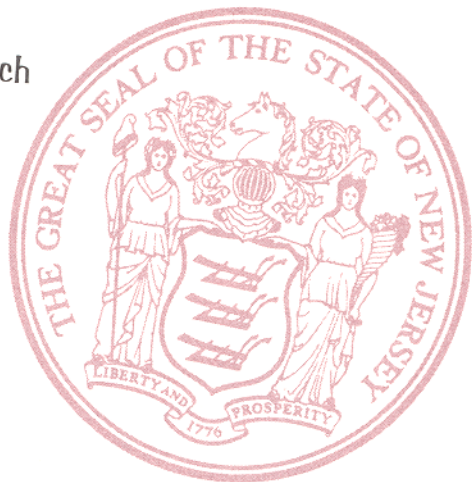
If you think the employer is careless or unaware of the law, try discussing your concerns with the employer to resolve the problem without making a formal complaint. Most employers would prefer to comply with the law and avoid the fines assessed for child labor violations.

If this approach does not solve the problem, you may file a formal complaint with the government agencies that enforce labor laws. (Phone numbers and addresses are listed at the back of this booklet.) In the event that you file a complaint, you and your child may be asked to submit affidavits and other evidence of your claims.

The Role of the Government

State and federal governments enact and enforce labor laws. This booklet was prepared by the Wage and Hour division of the New Jersey Department of Labor, which enforces the New Jersey child labor, minimum wage and wage payment laws and regulations.

Government agencies have dual roles concerning such laws: education and enforcement. The Wage and Hour division educates employers, school issuing officers, students and parents by way of formal and informal live presentations and by publishing short, targeted guides. This guide is a brief compilation of information of interest to parents. The full text of these laws and regulations can be obtained upon request from the state office listed at the back of this booklet.



Questions?

Direct any questions or requests for informational materials about
New Jersey child labor laws to:

State of New Jersey Department of Labor
Division of Wage and Hour Compliance
P.O. Box 389
Trenton, NJ 08625-0389
Phone (609) 292-8228 or 292-8168
FAX (609) 984-1279

Direct any questions concerning federal child labor laws to the
U.S. DOL Wage & Hour office closest to you:

U.S. Department of Labor
Wage-Hour Division
200 Sheffield St., Suite 102
Mountainside, NJ 07092
(973) 645-2279

U.S. Department of Labor
Wage-Hour Division
3131 Princeton Pike
Bldg. 5, Rm. 216
Lawrenceville, NJ 08648
(609) 989-2247